

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MOUSEN ADEN #479219, )  
Plaintiff, )  
v. ) NO. 3:19-cv-00635  
UNITED STATES OF AMERICA, et al., )  
Defendants )

## **ORDER**

On August 8, 2019, the Court determined that Plaintiff is barred by 28 U.S.C. § 1915(g) from proceeding in this case in forma pauperis and ordered him to pay the full \$400.00 filing fee within 28 days. (Doc. No. 5.) On September 9, 2019, the Court granted Plaintiff an additional 14 days within which to pay the fee. (Doc. No. 12.)

More than a month has elapsed without any further action by Plaintiff to comply with the Court's Order. Because Plaintiff has failed to comply with this Court's Order and to take the necessary steps to prosecute this action, his complaint is **DISMISSED** without prejudice.

The Court is required to assess the filing fee against prisoner plaintiffs in this circumstance. See In re Alea, 286 F.3d. 378, 381–82 (6th Cir. 2002) (“Although the requirement that a prisoner litigant may be liable for the payment of the full filing fee despite the dismissal of his action may be burdensome, it is not unfair.”). Accordingly, the entire \$400 fee is hereby **ASSESSED**, as follows:

The custodian of Plaintiff's inmate trust fund account at the institution where he now resides is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a)

20% of the average monthly deposits to Plaintiff's inmate trust account; or (b) 20% of the average monthly balance in Plaintiff's inmate trust fund account for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Thereafter, the trust fund officer must withdraw from Plaintiff's account and pay to the Clerk of this Court monthly payments equal to 20% of all deposits credited to Plaintiff's account during the preceding month, but only when the amount in the account exceeds \$10. Such payments must continue until the entire \$400 filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

Each time the trust account officer makes a payment to this court as required by this Order, he or she must print a copy of the prisoner's account statement showing all activity in the account since the last payment made in accordance with this Order and submit it to the Clerk along with the payment. All submissions to the court must clearly identify Plaintiff's name and the case number as indicated on the first page of this Order, and must be mailed to: Clerk, United States District Court, Middle District of Tennessee, 801 Broadway, Nashville, TN 37203.

The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the West Tennessee State Prison to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the custodian of his inmate trust fund account **MUST** ensure that a copy of this Order follows Plaintiff to his new place of confinement, for continued compliance herewith.

IT IS SO ORDERED.

  
\_\_\_\_\_  
WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE